

EXHIBIT 98

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
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Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,

Individual and Representative
Plaintiffs,

Lead Case No.

3:23-cv-03417-VC

v.

META PLATFORMS, INC.,

Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
30 (b) (6) DEPOSITION OF CHRISTOPHER KING

April 2, 2025

9:39 a.m.

44 Montgomery Street, 41st Floor
San Francisco, California

REPORTED BY: Siew G. Ung
CSR No. 13994, RPR, CSR

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
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4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 117

1 Q. I understand that that information was
2 provided to you.

3 But testifying on Meta's behalf, was
4 LibGen SciMag downloaded by torrent in -- by Meta in
5 2023?

6 MR. MORTON: Objection. Form.

7 THE WITNESS: Yes.

8 BY MR. STEIN:

9 Q. And where was it downloaded to?

10 A. To a devserver.

11 Q. What is a devserver?

12 A. Devservers are machines or virtual
13 machines which are checked out or assigned upon
14 request to individual developers or engineers.

15 Q. And is that infrastructure owned by Meta?

16 A. Yes.

17 Q. How much data was downloaded via torrent?

18 MR. MORTON: Object to form.

19 MR. STEIN: I'll -- I'll clarify.

20 BY MR. STEIN:

21 Q. With respect to Bashlykov's download of
22 LibGen SciMag?

23 MR. MORTON: Objection to form. Outside
24 the scope.

25 THE WITNESS: I don't know.

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 118

1 BY MR. STEIN:

2 Q. Did you make any effort to find that out?

3 MR. MORTON: Outside the scope.

4 THE WITNESS: Yes.

5 BY MR. STEIN:

6 Q. And what did you -- what was that effort?

7 A. I interviewed Tim Eberhard as to the
8 availability of logs.

9 THE REPORTER: Availability?

10 THE WITNESS: Availability of logs.

11 BY MR. STEIN:

12 Q. And what did Mr. Eberhard say?

13 A. That no logs had been located.

14 Q. Okay. And did he have any explanation as
15 to why no logs were located?

16 A. The -- that it was outside the retention
17 period.

18 Q. And what's the retention period?

19 A. Are you asking what is the definition of a
20 retention period?

21 Q. Sorry. What -- what -- how much time is
22 in the retention period with respect to these logs?

23 MR. MORTON: Object to form.

24 THE WITNESS: I understand the retention
25 period for the logs that were searched for to be one

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 119

1 year.

2 BY MR. STEIN:

3 Q. If -- do you know when the download took
4 place approximately?

5 A. An investigation and interviews led me to
6 identify sometime in the spring of 2023.

7 Q. So when do you think that the logs were
8 deleted as part of the retention policy?

9 MR. MORTON: Objection to form. Misstates
10 testimony.

11 THE WITNESS: Can you repeat or restate --
12 restate or add more context, please?

13 BY MR. STEIN:

14 Q. Sure.

15 You mentioned that there was a one-year
16 retention policy.

17 Do you remember that, Mr. King?

18 A. Yes.

19 Q. And then you testified that you -- the
20 investigation and interviews led you to identify
21 that the download in question took place sometime in
22 the spring of 2023.

23 Do you remember that, Mr. King?

24 A. Yes.

25 Q. So when -- so then my next question was:

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 120

1 When do you think that the logs were deleted as part
2 of that retention policy?

3 MR. MORTON: Object to form. Outside the
4 scope.

5 THE WITNESS: Can you go into further
6 detail as to how you define deleted?

7 BY MR. STEIN:

8 Q. Well, you say that they -- you couldn't
9 locate the logs.

10 What do you think happened to the logs?

11 MR. MORTON: Object to form. Outside the
12 scope.

13 THE WITNESS: I believe that they aged out
14 of retention.

15 BY MR. STEIN:

16 Q. And what does it mean to age out of
17 retention?

18 A. It means that the -- the table or the
19 partition of the table associated with a day that is
20 beyond the retention setting for that table in the
21 data warehouse is -- overridden.

22 Q. It's overridden. Okay.

23 Is it possible to prevent such overwriting
24 from taking place?

25 MR. MORTON: Objection. Outside the

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 121

1 scope. Objection to form.

2 THE WITNESS: Yes.

3 BY MR. STEIN:

4 Q. To your knowledge, were any efforts to
5 prevent such overwriting implemented in this case?

6 MR. MORTON: Objection to form.

7 Objection. Outside the scope.

8 THE WITNESS: Not to my knowledge.

9 BY MR. STEIN:

10 Q. And given that the retention policy is a
11 year, when do you think that this overwriting took
12 place?

13 MR. MORTON: Objection. Form. Objection.
14 Outside the scope. Calls for speculation.

15 THE WITNESS: Can you repeat your
16 question, please?

17 BY MR. STEIN:

18 Q. Sure.

19 And given that the retention policy is a
20 year, when do you think that this overwriting took
21 place?

22 MR. MORTON: Objection to form.

23 Objection. Outside the scope. Calls for
24 speculation.

25 THE WITNESS: I would, in conversation,

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 122

1 refer to it as a retention setting, not a policy, in
2 order to avoid being confused with a published
3 corporate policy.

4 So that's, first, I want to be clear on
5 that because you asked "retention policy." And I
6 would assume that either -- and our retentions are
7 set in days, so either -- depending on -- I don't
8 have direct knowledge of whether it's set to 365 or
9 366 to allow for leap years, but I would assume that
10 one of those two numbers was exceeded by one on each
11 day during the period of time a year after the
12 approximate spring of 2023.

13 BY MR. STEIN:

14 Q. So likely in spring of 2024?

15 MR. MORTON: Object to form. Outside the
16 scope.

17 THE WITNESS: Yes, with the caveat on a
18 rolling basis for each day's partition that had
19 become greater than the retention setting for those
20 tables.

21 MR. STEIN: Okay. Thank you.

22 I need to take a break right now. Is that
23 all right to take about five minutes?

24 MR. MORTON: That's fine.

25 THE VIDEOGRAPHER: Off the record at

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 196

1 ascertaining numbers in excess -- in gigabytes.

2 Q. Related to outbound data.

3 Is that right?

4 A. Transfer out, yes.

5 Q. Okay. What is in DuXiu?

6 A. I don't know.

7 Q. Okay. And in terms of the AWS usage, was
8 it configured the same way as the torrenting done in
9 April through June from Anna's Archive?

10 MR. MORTON: Object to form.

11 THE WITNESS: I -- are -- you're asking:
12 Was the EC2 post-configuration the same during the
13 two periods of time?

14 BY MR. STEIN:

15 Q. That's right.

16 A. From my investigation, that -- that is
17 correct.

18 Q. Okay. And how was the April to June 2024
19 data that was downloaded by torrent used by Meta?

20 MR. MORTON: Objection. Outside the
21 scope.

22 THE WITNESS: I -- I don't know.

23 BY MR. STEIN:

24 Q. How many copies were made of that data?

25 MR. MORTON: Objection. Outside the

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 197

1 scope.

2 THE WITNESS: I don't know.

3 BY MR. STEIN:

4 Q. What was contained in that data, as far as
5 you know?

6 MR. MORTON: Objection. Outside the
7 scope. Objection to form.

8 THE WITNESS: Which time period again?

9 BY MR. STEIN:

10 Q. April through June 2024.

11 A. I understand that the data downloaded is
12 the Internet Archive, the Z library and portions of
13 Libgen Scitech --

14 Q. Okay.

15 A. -- from April to June of 2024.

16 Q. And do you know if Plaintiffs' works were
17 in those datasets?

18 MR. MORTON: Objection. Outside the
19 scope.

20 THE WITNESS: I do not.

21 BY MR. STEIN:

22 Q. Did you make any effort to ascertain that?

23 MR. MORTON: Objection. Outside the
24 scope.

25 THE WITNESS: I did not.

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 198

1 BY MR. STEIN:

2 Q. And do you know if any of those topics
3 were deleted?

4 MR. MORTON: Objection. Outside the
5 scope. Object to form.

6 THE WITNESS: Yes.

7 BY MR. STEIN:

8 Q. What was deleted?

9 MR. MORTON: Object to form. Outside the
10 scope.

11 THE WITNESS: During the investigation, it
12 was found that the EC2 instances that had been used
13 during the two periods of time in 2024 were taken
14 offline. I can't recall if it was late October,
15 early November.

16 BY MR. STEIN:

17 Q. And who took them offline?

18 MR. MORTON: Object to form. Outside the
19 scope.

20 THE WITNESS: I don't have that
21 information.

22 BY MR. STEIN:

23 Q. What can you recall about them being taken
24 offline then?

25 MR. MORTON: Object to form. Outside the

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 199

1 scope.

2 THE WITNESS: That they ceased to appear
3 in the inventory and billing, the cost and usage.

4 BY MR. STEIN:

5 Q. Okay. And does that mean that the data
6 that was downloaded -- or that there was data that
7 was downloaded using EC2 was deleted when it was
8 taken offline --

9 MR. MORTON: Object to form. Outside the
10 scope.

11 BY MR. STEIN:

12 Q. -- or overwritten?

13 MR. MORTON: Object to form. Outside the
14 scope. Calls for speculation.

15 THE WITNESS: I can answer generically
16 that any EC2 instance that is terminated has its
17 local disk -- it is destroyed by AWS as -- as part
18 of that termination request.

19 Q. Okay. And in your --

20 THE REPORTER: Wait, what? Determination
21 and --

22 THE WITNESS: Termination request, so...

23 BY MR. STEIN:

24 Q. And -- and your investigation led you to
25 believe that that is what happened here?

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 200

1 MR. MORTON: Object to form. Outside the
2 scope.

3 THE WITNESS: Yes. The -- the -- the cost
4 and usage reports no longer showing past a certain
5 date an instance having any billable rows would
6 indicate termination.

7 BY MR. STEIN:

8 Q. Did you make any attempt to see if you
9 could locate the local drive --

10 MR. MORTON: Object.

11 BY MR. STEIN:

12 Q. -- or access it?

13 MR. MORTON: Object to form. Outside the
14 scope.

15 THE WITNESS: I did not.

16 BY MR. STEIN:

17 Q. And you mentioned that you had a
18 conversation with Ms. Wang about an examination of
19 samples of torrent downloads.

20 Is that right?

21 A. Yes.

22 Q. Did -- do you know which downloads she
23 examined?

24 MR. MORTON: Object to form. Outside the
25 scope.

4/2/2025

Richard Kadrey, et al. v. Meta Platforms, Inc. Christopher King 30(b)(6)
Highly Confidential - Attorneys' Eyes Only

Page 231

1 DEPOSITION OFFICER'S CERTIFICATE

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were duly sworn; that a record of the
8 proceedings was made by me using machine shorthand,
9 which was thereafter transcribed under my direction;
10 that the foregoing transcript is a true record of the
11 testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a federal case,
14 before completion of the proceedings, review of the
15 transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee of
18 any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: 4/3/2025

23

24

25


Siew Ung, RPR, CSR No. 13994